

## CITY OF ALAMEDA

### Memorandum

To: Honorable Mayor and  
Members of the City Council

From: John A. Russo  
City Manager

Date: December 6, 2011

Re: Approve Removal of Six Myoporum Trees Along 1 Clubhouse Memorial Road and Replace With Yellow Trumpet Vine, New Zealand Flax, and Santa Cruz Island Buckwheat, Appropriate \$637,000 in Sewer Enterprise Funds and Award a Contract in the Amount of \$1,262,800, Including Contingencies, to Mountain Cascade, Inc. for the Upgrade of the City of Alameda Sewer Pump Stations, Bay Farm Island Pump Station Rehabilitation, No. P.W. 12-10-35

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### BACKGROUND

On July 19, 2011, the City Council authorized a call for bids for the upgrade of the City of Alameda sewer pump stations, Bay Farm Island (BFI) pump station rehabilitation, No. P.W. 12-10-35. The proposed project will rehabilitate the BFI sanitary sewer pump station located at 1 Clubhouse Memorial Road to provide reliability, efficiency, and sufficient sewer capacity. The identified upgrades include pumps, emergency back-up power generators, wastewater storage facilities, remote monitoring and communication equipment, and back-up level controls. Bids were opened on August 19, 2011; however, due to an inconsistency in the language in the bid Addendums, based on staff's recommendation, the City Council rejected all bids and authorized a new call for bids.

### DISCUSSION

In accordance with the Environmental Protection Agency's Administrative Order and the General Waste Discharge Requirements of the Regional Water Quality Control Board and the State Water Resources Control Board, Alameda is required to upgrade all 42 sewer pump stations and implement ongoing operations and maintenance procedures to limit public health impacts associated with sanitary sewer overflows (SSO). This project is the first of these improvements.

#### **Tree Removals:**

As part of this project, six Myoporum trees (Exhibit 1) will need to be removed to allow for the construction, equipment placement, and maintenance access to the pump station and equipment. A new landscaping plan is included as part of the project to restore landscaping to the site and screen the equipment. The new landscaping

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includes Yellow Trumpet Vine, New Zealand Flax, and Santa Cruz Island Buckwheat (Exhibits 2, 3 and 4, respectively). The Recreation & Park Director has reviewed the proposal to remove the six trees and accepted the proposed new landscaping. In addition, the Public Works Department presented the proposed project and required tree removals at the November 8 Golf Commission meeting. A notice of the public meeting, which included a description of the project and the proposal to remove the six trees, was mailed to all residents within a 300-foot radius of the project site. At the meeting, the Golf Commission determined that the proposed landscaping improvements were an enhancement over the existing trees and supported the proposed extension of the existing wrought iron fence. For tonight's City Council meeting, a proposed tree removal notice was placed on the six trees proposed to be removed, and public notices were mailed to all residents within a 300-foot radius of the project.

**Standardization of Equipment:**

In addition, to meet the requirements of the Operation and Maintenance Program of the City's Sewer System Management Plan (SSMP), on July 19, 2011, the City Council approved the standardization of the manufacturer and model for specific major components of the pump stations to provide more efficient and reliable operation of the equipment, including the use of Flygt pumps, in accordance with the California Public Contract Code 3400.

In September, the City received a letter from an attorney representing Pentair, a company that manufactures pumps, objecting to the City's specifications that standardized the Flygt pump equipment and provided a set price and vendor for the equipment. The letter, which was styled as a "protest," argued that the City's requirement for Flygt pumps was anti-competitive and prohibited sole-source procurement, and that fixing the price and vendor was unlawful. Section 3400 of the Public Contract Code allows public agencies, in limited circumstances, to specify specific manufacturers or materials, and accept no "equal" items. One such circumstance is where the public agency wants to match equipment that is in use on other public improvements. Another is to allow the agency to conduct field tests for future use. The City cited both of these exceptions in its bid documents in specifying the equipment.

The City has 29 pumps where Flygt equipment is in use and has been satisfied with the performance of that equipment. By using pumps from the same company on new facilities, the City expects to reduce the time required for repairs and staff training, along with the type and amount of spare parts the City needs to keep in inventory.

The City Attorney's office reviewed the equipment specifications and determined that the document could be modified to clarify that the City specified the Flygt pumps to match existing equipment in use at other City facilities. The City issued an Addendum

to the bid documents with this information and deleted the set pricing and vendor. The City sent the Addendum to Pentair, explaining how the document addressed Pentair's concerns.

Pentair responded with another letter reiterating its "protest." The letter does not present any new issues. Outside counsel has responded to Pentair, again explaining that the newly issued Addendum resolved any issue with the bid documents, and stating that any "protest" was moot because the City had received bids.

**Bid Results:**

To solicit the maximum number of bids and most competitive price, plans and specifications were provided to 19 separate builders' exchanges throughout the Bay Area and were posted on the City's website. A notice of re-bid was published in the Alameda Journal. The bid opening was held on October 11, 2011, and the bid information is as follows:

Contractor	Location	Base Bid/Add Alternates
Mountain Cascade, Inc.	Livermore, CA	\$1,098,025
Anderson Pacific Eng. Const. Inc.	Santa Clara, CA	\$1,171,400
Manito Construction, Inc.	Pleasanton, CA	\$1,179,290
GSE Construction Co., Inc.	Livermore, CA	\$1,433,555

Public Works staff contacted several references provided by the low bidder and received positive feedback on the ability of the company to meet the project requirements and on the quality and timeliness of their work. Staff proposes to award a contract to Mountain Cascade, Inc. for a total amount of \$1,262,800, including a 15% contingency. A copy of the agreement is on file in the City Clerk's office.

**FINANCIAL IMPACT**

The funds for this project are budgeted in the Public Works Department's account for Capital Improvement Program (91008), Sewer Pump Station Upgrades with monies allocated from the Sewer Enterprise Fund (Fund 602). To award the contract and provide a 15% contingency, an additional appropriation of \$637,000 is required. There is no impact to the General Fund.

**MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE**

This action does not affect the Municipal Code.

ENVIRONMENTAL COMPLIANCE

In accordance with the California Environmental Quality Act (CEQA), this project is Categorically Exempt under CEQA Guidelines, Section 15301(b), Existing Facilities. The Notice of Exemption was filed with Alameda County on August 9, 2011.

RECOMMENDATION

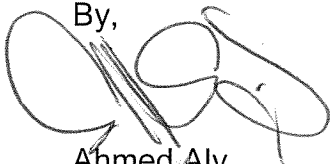
Approve removal of six Myoporum trees along 1 Clubhouse Memorial Road and replace with Yellow Trumpet Vine, New Zealand Flax, and Santa Cruz Island Buckwheat, appropriate \$637,000 in sewer enterprise funds and award a contract in the amount of \$1,262,800, including contingencies, to Mountain Cascade, Inc. for the upgrade of the City of Alameda sewer pump stations, BFI pump station rehabilitation, No. P.W. 12-10-35.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director

By,



Ahmed Aly  
Associate Civil Engineer

Approved as to funds and account,



Fred Marsh  
Controller

Exhibits:

1. Photograph of six Myoporum trees
2. Photograph of Yellow Trumpet Vine
3. Photograph of New Zealand Flax
4. Photograph of Santa Cruz Island Buckwheat
5. Agreement – on file in the City Clerk's office





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